

REMARKS/ARGUMENTS

1. Election/Restriction

5 The application contains claims directed to at least the following
patentably distinct species:

10 Species I, drawn to a touch panel comprising a panel layer for
outputting a corresponding touch signal to a processor
when pressed, wherein the panel layer is installed between
an electromagnetic apparatus and a plurality of display
units [as described in figure 5 and at paragraph 29, lines
1-3 of the instant specification, for instance]; and

15 Species II, drawn to a touch panel comprising a panel layer for
outputting a corresponding touch signal to a processor
when pressed, wherein the panel layer is installed above
a plurality of display units [as described at paragraph 29,
lines 3-7 of the instant specification, for instance].

20 Wherein both Species I and II are directed to at least the following
patentably distinct sub-species:

25 Sub-Species A, drawn to a capacitive panel layer [as described at
paragraph 28 of the instant specification, for instance]; and

Sub-Species B, drawn to a resistive panel layer [as described at
paragraph 23 of the instant specification, for instance].

The species are respectively independent or distinct because the species do not overlap in scope, i.e, are mutually exclusive; the species are not obvious variants; and the species have a materially different design,
5 mode of operation, function, and effect.

Applicants are required under 35 U.S.C.121 to elect a single disclosed species (and sub-species) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.
10 Currently, claims 1-4 and 9-18 appear to be generic to the aforementioned species.

Response:

15 Applicants hereby elects species II and sub-species A in response to the above restriction requirement. The claims readable upon the elected species are claims 6 and 7. Claim 5 is canceled and claim 8 is withdrawn from consideration in the instant application. No new matter is introduced.

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2. Request for reconsideration of the restriction requirement under 37 CFR 1.143.

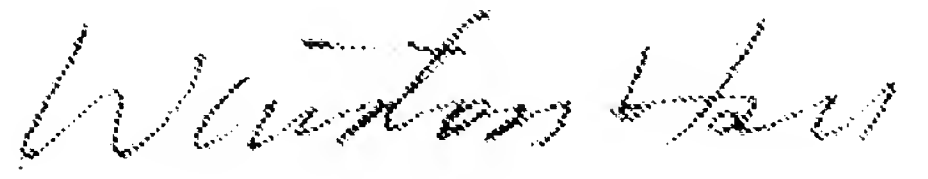
25 Applicants believe that the present application does not need a sub-species election. Species A (defined by claim 7) of the present application discloses the panel layer is a capacitive panel layer. And species B (defined by claim 8) discloses the panel layer is a resistive panel layer. Claims 7 and 8 are amended to depended upon Claim 6. When the

panel layer is installed above the plurality of display units, the panel layer
can be a capacitive panel layer or a resistive panel layer. The
electromagnetic apparatus installed below the plurality of display units and
for generating a magnetic field to attract magnetic materials does not
5 influence the operation of the capacitive panel layer or the resistive panel
layer. Claims 7 and 8 disclose two kinds of panel layers for the present
application. Applicants believe that there is no conflict between claims 7
and 8 based on the reason described above. Therefore, applicants believe
that sub-species A and sub-species B of the present application should be
10 grouped together and should not be patentably distinct. Reconsideration of
this sub-species restriction requirement is hereby requested.

Applicant respectfully requests that a timely Notice of Allowance be
issued in this case.

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Sincerely yours,



Date: 01.10.2008

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25 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C.
is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)